

REMARKS/ARGUMENTS:

Claims 12-24 are pending in this application, of which this Amendment adds dependent claims 20-24. In the non-final Office Action dated August 30th, 2006, the Examiner has rejected claims 12-19 under 35 USC 103(a) as obvious over Saji (US 5,479,486) in view of Yamamoto (US 5,327,482).

Claims 20-24 depend from method claim 19, and recite for a method the subject matter of dependent apparatus claims 13-17 and 19, respectively. No new matter is added.

The Office Action asserts at page 2 that Saji teaches “sensing means 15 associated with the coupling means (a1, b1, a2, b2) and operable to sense the absence or the presence of the charging unit 6”. In responding to the Applicant’s previous argument, the Office Action asserts at page 6 that “it is noted that the features upon which the applicant relies (i.e., sensing means is an element of the radio telephone, not of the charging unit) are not recited in the rejected claim(s).”

This is seen as error. Claim 1 recites, in relevant part:

...the radio telephone comprising sensing means associated with the coupling means and operable to sense the absence or the presence of the charging unit being connected to the radio telephone, ...

Claim 1 clearly recites the sensing means as an element of the radio telephone.

Method claim 19 is amended to recite this aspect unambiguously, and recites in relevant part:

...sensing at the radio telephone whether the radio telephone is coupled to a charging device ...

Saji describes a detection circuit 15 within a charging stand 6 (col. 4 lines 62-67 and Figure 5) that is separate from the cordless handset 1. See Saji Figures 1-2 (the indicator 34 notifying the user that charging is being performed is in the charging stand 32, see col. 1 lines 34-39 and 50-56); Figure 3 (the detecting circuit 38 drives the indicator 34, both lying within the charging stand, col. 1 line 66 to col. 2 line 17); and also the Saji invention of Figures 4-5 (warning indicator 8, warning buzzer 9, switch 10, and detecting circuit 15 are in the charging stand 6). The independent claims clearly recite that the radio telephone comprises sensing means (claim 12) and sensing at the radio telephone (claim 19).

As previously argued (Response dated May 9, 2006, page 5), it would not be obvious to modify Saji's detector circuit 15 to lie within the cordless handset 1 because:

- Saji teaches directly away from such a modification by the AND circuit 17 of Figure 5, which requires inputs from both the detecting circuit 15 and the switch 10 to drive the warning buzzer 9;
- Disposing both the switch 10 and warning buzzer 9 of Saji within the handset 1 would appear to cause the buzzer 9 to sound whenever the handset 1 were away from the charging stand 6 and placed on a flat surface so as to depress the switch 10, in opposition to Saji's teaching at col. 2 lines 55-59 that generating a warning sound when the handset is NOT in the charger is a problem to overcome; and
- Disposing only the Saji detecting circuit 15 in the handset 1 would appear to eliminate the input to the AND circuit 17 from the switch 10, changing Saji's principle of operation and undermining Saji's resolution of the very problem sought to be overcome at col. 2 lines 40-45.

Yamamoto recites at col. 8 lines 52-54 that "the base unit 100 checks whether or not the branch unit 200 is mounted on the charger 300 (step 428).", so Yamamoto fails to cure the above shortfall of Saji and claims 12 and 19 are seen to be patentable over the references, alone or in combination.

As an additional distinction, claim 12 also recites in relevant part (emphasis added):

...when the sensing means senses absence of the charging unit the inhibiting means automatically inhibits operation of the radio telephone.

Method claim 19 recites in relevant part:

...automatically inhibiting operation of the radio telephone responsive to sensing absence of the charging device.

To this element the Office Action cites to Yamamoto at col. 8 lines 45-66. Yamamoto relates to a public cordless telephone system (abstract) that conditions return of the user's predetermined card/magnetic card (from which the telephone fee is collected, col. 4 lines 38-

48) on the branch unit/handset 200 being mounted back in the charger 300 after a call (col. 8 lines 51-59).

The section of Yamamoto cited against the “inhibiting means” element of claim 12 discloses that when the branch unit 200 is not mounted to the charger 300, the branch unit 200 is put into an inoperative state due to battery exhaustion. Yamamoto also details theft-detection, out-of-synchronization, and error signals at col. 12 line 45 to col. 13 line 30 between the branch unit 200 and the base unit 100 (not the charger 200).

Yamamoto’s inoperative state is due to battery exhaustion. Because the branch unit 200 may be returned to the charging unit 300 prior to battery exhaustion, operation of the branch unit 200 is not **automatically** inhibited when the base unit 100 determines that the branch unit 200 is not returned to its charger 300. Claims 12 and 19 recite an automatic relation between sensing and inhibiting (means).

Yamamoto fails to disclose, teach or suggest the claimed automatic relation between sensing and inhibiting. Saji is not seen to cure this shortfall and the Office Action admits that Saji fails to teach an inhibiting means, so claims 12 and 19 are seen to patently distinguish over the references, alone or combined.

The rejection of claim 13 is seen as error. If Yamamoto’s battery exhaustion represents the “inhibiting means” of claim 12, then the “inhibited operation” of claim 12 is by definition achieved only when there is no power to the Yamamoto branch unit 200. This is exactly opposite dependent claim 13, which recites that the inhibiting means is operative for a **power on** mode of the radio telephone.

Claims 14-16 recite specific functions that are inhibited (access to information stored in the radio telephone; outgoing calls; subscriber information), which the Office Action rejects with reference to Yamamoto’s inoperative state that results from battery exhaustion. This is seen as improperly reading those elements out of the dependent claims. While the end result of battery exhaustion might be that a user cannot access stored information or make outgoing calls, the claim term “adapted to” relates the inhibiting means to the claimed function with particularity. The written description details that the apparatus may be switched on while

those same functions are inhibited (page 2, third paragraph). Rejecting the specifically claimed inhibited functions under the general proposition that they are ‘inhibited’ under a no power condition violates the doctrine of claim differentiation, is inconsistent with the written description, and is seen to read-out those particularly recited elements from the claims by reducing them to the generalized no-power condition for the Yamamoto branch unit.

Further to claim 16, Yamamoto relates to a public cordless telephone system for which there is no disclosure of storing subscriber identities. Yamamoto is directed to problems arising from use by “many *unspecified* persons” (col. 2 lines 16-17). In Yamamoto, a current user’s identity may be stored on that user’s own prepaid card that is inserted into the card reader 111 of the base unit 100 in order to place a call (col. 4 lines 26-48; col. 7 lines 54-55). A prepaid card user is by definition not a subscriber; the former pays by use and the latter subscribes to a service. Even if the user’s ID on the card were considered **subscriber identity information** as in claim 16 (not admitted), nowhere is this ID stored in the Yamamoto branch unit; it remains on the card which is inserted into the reader 111 of the *base unit 100*. Claim 16 recites that the *radio telephone* comprises a memory means for storing subscriber identity information.

Claim 18 recites:

A radio telephone according to claim 12, wherein **operation of the radio telephone is restorable responsive to a security code input to the radio telephone.**

The “operation” that is “restorable” in claim 18 refers back to independent claim 12, which recites that “the inhibiting means automatically inhibits operation of the radio telephone.” That which is inhibited in claim 12 is restorable in claim 18.


The rejection of claim 12 asserts that battery depletion inhibits operation of the Yamamoto branch unit 200. For consistency, a rejection of claim 18 must rely on a security code causing power to be re-applied to the Yamamoto branch unit 200. The cited teachings at col. 7 lines 44-68 relate to inserting into the reader 111 a user's card bearing an identifying code by which the telephone fee may be charged. The card is unrelated to battery depletion. Whereas entry of the card in Yamamoto may enable the user to make a call, entry of that card does not restore those operations that were 'inhibited' by battery depletion. The battery is

recharged in Yamamoto by placing the branch unit 200 in the charger 300, regardless of the presence or absence of a card in the reader 111.

Further, claim 18 recites that the security code is input to the radio telephone. The Yamamoto card is inserted into the reader 111 of the base unit 100, and nowhere is it seen where a code from that card passes to the branch unit 200.

All claims are seen to be clearly patentable over the cited art. The Examiner is respectfully requested to withdraw the rejections to claims 12-24, and pass each of them to issue. The undersigned representative welcomes the opportunity to resolve any matters that may remain, formal or otherwise, via teleconference at the Examiner's discretion.

Respectfully submitted:


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